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DATE FILED: 2/14/2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA MARTINEZ,

Plaintiff,

-against-

NEW YORK CITY, POLICE OFFICER BRIAN LITTLE, and SERGEANT DAVID REILLY, Individually and as members of the New York City Police Department,

Defendants.

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STIPULATION AND ORDER OF SETTLEMENT OF ATTORNEYS' FEES

11 CV 0926 (NRB)

WHEREAS, plaintiff commenced this action by filing a complaint on or about February 9, 2011 and an amended complaint on July 29, 2011, alleging that the defendants violated plaintiff's federal civil and state common law rights; and

WHEREAS, plaintiff has accepted an offer of judgment pursuant to Federal Rule of Civil Procedure 68 whereby plaintiff was to receive $5,001.00 plus reasonable attorneys' fees, expenses, and costs arising out of her claims asserted pursuant to 42 U.S.C. § 1983, to the date of the offer; and

WHEREAS, pursuant to the General Release executed concurrently herewith, plaintiff Linda Martinez assigned her rights to attorneys' fees, costs, and expenses to her counsel, Duncan Peterson, Esq.; and

WHEREAS, counsel for plaintiff and defendants now desire to resolve the issue of all attorneys' fees, costs, and expenses, without further proceedings; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraphs "2" below.

2. Defendant City of New York shall pay to counsel for plaintiff, **Duncan Peterson, Esq.**, the sum of **Ten Thousand Dollars ($10,000.00)**, in full satisfaction of all claims for attorneys' fees, expenses, and costs in this matter. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, costs, or expenses arising out of this action shall be made by or on behalf of plaintiff Linda Martinez in any application for attorneys' fees, costs, or expenses at any time.

3. Nothing contained herein shall be deemed to be an admission by the defendant that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

4. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

5. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
February 3, 2012

Duncan Peterson, Esq.
Attorney for Plaintiff
Peterson Delle Cave LLP
233 Broadway, Suite 1800
New York, New York 10279
(212) 240-9075

By: ______________________
DUNCAN PETERSON, ESQ.

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 3-149
New York, New York 10007
(212) 788-8684

By: ______________________ 2/6/12
CECILIA A. SILVER
Assistant Corporation Counsel

SO ORDERED:

____
THE HONORABLE NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE 2/14/12